

The Board of Supervisors of Maricopa County, Arizona convened in Informal Session at 9:00 a.m., August 11, 2003, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

OVERVIEW OF THE PAST, PRESENT AND FUTURE OF THE ARIZONA TELEMEDICINE NETWORK

Presentation and overview of the past, present and future of the Arizona Telemedicine Network and Correctional Health Services' Association with the Arizona Telemedicine Program and possible extension of telecommunications within county government. (C26040020) (ADM2131)

Ronald S. Weinstein, M.D. Professor and Head, Department of Pathology, University of Arizona, College of Medicine and Founding Director, Arizona Telemedicine Program

Dr. Weinstein, President of the American Telemedicine Association, reported that Maricopa County and Phoenix are emerging as #1 in the Country for urban telemedicine and added that it was surprising to realize the magnitude of the programs currently existing within the County. He explained that the history of the Arizona Telemedicine Program is an interesting "partnership story" between the State Legislature and the University of Arizona that began when Representative Bob Burns first investigated the idea of telemedicine and determined the need to bring it to Arizona. The Legislature agreed, and voted to take the program to the University complete with the necessary funding. Dr. Weinstein said that the telemedicine network that is growing throughout the state it is basically the product of a single legislator. He said, "From the point of view of national telemedicine when I give presentations on Arizona's Telemedicine network I always use Maricopa County as the model of what can be done in terms of urban telehealth." He added that the County's Medical Center and its 12 clinics are all fully equipped to practice telehealth. He explained that telemedicine is "basically healthcare at a distance" and often involves bi-directional video-conferencing. He explained that this could provide healthcare delivery internationally through the involvement of millions of people and billions of dollars.

In the mid 1990s the Legislature funded a pilot program that placed telemedicine in eight different environments in Arizona, including one site on an Indian Reservation. Dr. Weinstein said he had invented robotic telepathology 20 years earlier and systems he had designed were deployed around the world and since he was at the University's hospital at the time, they had asked him to be the founding director of the telemedicine program in Arizona. The program "started from scratch in 1996" and this year they expect to do 84,000 cases (the largest volume of cases in any state program in the U.S.). They have increased connectivity from the original eight sites to 100 sites and are currently involved with 41 different healthcare providers throughout the state. He explained that an entire tele-conferencing infrastructure has emerged and is being used by agencies for conferencing across Arizona for purposes other than healthcare.

The network has often received recognition nationally and they have won seven national awards in such categories as the top program in the country, top research program in the country, and top distance-education program in the country over a telemedicine network.

Dr. Weinstein explained that their first step had been to identify the key elements necessary for developing such a program and they had then added new concepts that would allow them to be self-sustaining. He said they identified four challenges that would exist and need to be addressed.

1. The necessity to develop a regional telecommunications strategy.
2. The difficulty in drafting a comprehensive telehealth business plan that made sense.
3. The challenge of developing a training program that would involve all the healthcare providers in the state.
4. The complexity of developing telemedicine standards for Arizona

He said they wanted to develop a strategy so that every telemedicine clinic in the state would look and be the same, having the same colors, the same lights, the same equipment and the same paperwork. He said that everyone wears the same standard medical "greens" so that in each clinic the medical staff will look the same. After studying methodologies to design a comprehensive program they devised a membership-based, statewide telehealth and telecommunications collaborative.

Dr. Weinstein said he was pleased to report that as of last April, broadband telecom has been available throughout the Navajo Nation. Three engineers at the University Medical Center do the all of the installations and are responsible for running the entire network. These engineers completed the wiring of the entire Navajo Reservation for telecommunications, tying in all 12 hospitals in New Mexico and Arizona. This makes it possible for an emergency patient in any Navajo hospital to have X-rays read by an expert located many miles away and learn the results within an hour, when the previous standard of care was three to four days. He said that women can have a digital mammography in Tuba City, AZ, and have a read-out within 30-minutes (the highest level of care in the U.S. for digital mammography). Psychiatric care is also available through this network for prisoners and for school children with emotional and behavioral problems during the school day. He reported that the U.S. Supreme Court has determined that prisoners are the only people in this country who are unqualifiedly guaranteed health care – and it has to be quality health care – which creates challenges for prisons located in rural areas. With telemedicine, prisoners can be treated without transporting them to a hospital. He said that prisoners are very happy with this system, as they know they are receiving a high-level of care.

Dr. Weinstein said that the network is now undergoing a 55% annual growth rate, expanding rapidly with an additional 31 sites through efforts by the Phoenix Indian Medical Center Healthcare District into Nevada, Utah and as far as Sacramento, CA. On the business side, Dr. Weinstein said that the membership fee for Banner Hospitals and all others is \$5,000 and this gives them access to all continuing education from the University Medical Center and access to the entire telemedicine network services. He said that this network has become "a meeting place for people from different healthcare systems and gives the opportunity for people to realize that health care really should exist in a strata above individual corporate interests." He indicated that this network has also provided a remarkable site for the exchange of medical information among professionals. They have become very active in ongoing educational opportunities for medical staff covering all medical fields and having access to very high-tech, state-of-the-art new "gadgets" for different procedures.

Dr. Weinstein explained that through trial and error they have determined what works in telemedicine and what does not work. He said, "You can't do healthcare at a lesser level just for expediency. Either the quality of care is the same as it would be face to face or you shouldn't be doing it."

He indicated his excitement in talking with Bill Scalzo about the potential of developing a program with Maricopa County to establish the telehealth network for prisoners in the new jail facilities and can foresee the ability to use the same network for many other administrative functions once the County is linked. In addition, he said, "Our dream is to make Phoenix and Maricopa County the epicenter for 'a national bio-terrorism network of networks' and we've actually gone to the federal government to put an earmark in the budget to do this." He explained that in many parts of the country the only existing infrastructure for telecommunication will be the telemedicine network, "and it makes sense to link these networks together into

a national grid for early warning bioterrorism education. Here the infrastructure is already in place – a unique infrastructure that takes you to the State's borders and into the rural areas. He said this national network would be based at the Phoenix Indian Medical Center. The concept is to coalesce a number of other networks into a larger network, a Western Regional Telehealth Network. He stated that he had presented this idea at the Western Governor's Association Conference when they met in Phoenix last year. He hopes this teleconferencing network will become the grid of the future and said that the center of that will be in Phoenix. It will be an enormous opportunity to play a major role in bioterrorism defense at the national level and bring a spotlight to Phoenix.

Questions and discussion ensued on the accuracy of diagnosis via higher and lower resolutions of the diagnostic screen; the responsibility of maintenance and operation and provider's responsibilities vs. the responsibility of the hospital's technicians and engineers (the wiring is leased from telecom companies, and the switches are owned by the telemedicine program). Also discussed was how physician services are allocated and charged with several doctors on-line to diagnose and/or treat. Patients are asked if they want a "modifier on the code" and not if they want to pay for the service. Regular rates are charged and he indicated that reimbursement is usually received from Medicare, the State, federal reimbursements or from other healthcare systems. Malpractice and insurance have had no increased exposure, Dr. Weinstein said, "there hasn't been a single case that's gone to a jury settlement."

All the Supervisors remarked on their fascination with the educational presentation given by Dr. Weinstein and said they look forward to learning more about the program as it is installed for use by the County.

RESIGNATION OF PHIL GOLDSTEIN FROM THE INDUSTRIAL DEVELOPMENT AUTHORITY BOARD OF DIRECTORS

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the resignation of Phil Goldstein from the Industrial Development Authority Board of Directors, effective upon Board of Supervisors action. Supervisor Kunasek remarked that the outstanding service given by Mr. Goldstein during his time of service on this Board made his motion one of reluctance but recognizing the health issue that prompted his resignation he also extended his best wishes for the years to come. (C06040050) (ADM4500-001)

APPOINTMENT OF KIRK ADAMS TO THE INDUSTRIAL DEVELOPMENT AUTHORITY BOARD OF DIRECTORS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to appoint Kirk Adams to the Industrial Development Authority Board of Directors, as the District 2 nominee, to fill the vacancy created by the resignation of Phil Goldstein. The term of appointment will be from the date of Board approval through the unexpired term ending December 17, 2007. Mr. Adams was sworn into office by Clerk of the Board. (C06040060) (ADM4500-001)

REGIONAL TRANSPORTATION PLAN

Discussion regarding the development of a 20-year comprehensive, performance-based, multimodal and coordinated regional transportation plan by the Transportation Policy Committee of the Maricopa Association of Governments. (ADM2053)

Tom Buick, Director of Transportation and County Engineer
Mike Sabatini, P.E., Assistant County Engineer

Mr. Buick said that decisions to be made on the 20-year transportation plan are critical to the Phoenix metropolitan area, as it will determine what transportation will be like in this area for the next 20 years. "We think it's a good time to ask tough questions and to look at the challenges in front of us." The Hybrid Draft Plan had not yet been received from MAG (Maricopa Association of Governments) prior to the last Board meeting but has now been received and studied. He reviewed the major components of the plan with the Board.

Mr. Buick indicated that there were three options the Board of Supervisors might choose from: 1. Approve the plan. 2. Disapprove the plan. 3. Modify the plan. He believed that Option 3 would give the Board the opportunity of assuming a leadership role in developing the plan components to assure that it is performance driven and regionally focused.

Mr. Buick asked the Board if MCDOT should utilize their ongoing analysis activities to formulate an alternative or modification to the Hybrid Plan for the Board's consideration. He assured them that this alternate plan would be constructed to meet the legislative guidelines and would out-perform the current draft plan.

In speaking of the Hybrid Plan he noted that "conspicuously missing from it are the results of, or performance associated with, all the investments being made." He said the plan now includes specific areas of spending on arterials but no timeline on when they would be built or any priorities to be included. Missing are performance based priorities and an explicit reference to the regional trails program and trip reduction program. Also missing was implementation responsibilities and accountability for that implementation, a fundamental issue the County requested. The plan expressed how the money might be divided up with approximately 60% going to freeways, 8% to major streets, 32% to transit and less than 2% to programs.

Supervisor Stapley remarked that the 10.8% allocated for O&M (Operation and Maintenance) would amount to a little more than \$800 million. Currently the O&M cost for travel corridors through Valley towns are paid for by local municipalities. Now, the vast majority of cities want these street maintenance costs to be transferred to the half-cent sales tax revenues. The towns maintain that the roads and/or rails in the transit systems may be located in their jurisdiction but are, nevertheless, a portion of the regional transportation system and should be maintained with regional funds. He added that the city planners also realize that if they are freed from paying any of the O&M costs for a portion of the streets in their towns over a period of 20 years this will make the cities \$1 billion richer.

Conversely, the large minority who disagree support their argument for the towns to continue maintaining the transit thoroughfares in their jurisdictions by asking where the O&M funding would come from after the special tax ends in 2025. Their fear is that when the sales tax monies end the transit system will degrade and become useless unless all, or at least a portion, of the O&M costs are paid for by the towns and cities within the system. They want a guarantee written into the plan. The County shares this view. Possibly the three biggest issues the County takes with the interim plan adopted by MAG is Operation and Maintenance, the lack of a performance based criteria, and the extension of the light rail system without proven need.

Mr. Buick remarked that various rail segments are being added to the starter line (an extension of 27.5 miles) to give a light rail system totaling 57.5 miles. Supervisor Stapley said, "This addition was only inserted in the last 30 days. They came up with it in the last moment of the last meeting on the last day, Nearly 28 additional light rail miles and all of them in Phoenix."

Discussion ensued on funding proportions allocated to the East and West portions of the Valley and the problems being presented because the East Valley charges that a greater percentage of the funds will be used for West Valley improvements, and city councils in the East feel they are not receiving a fair distribution

in the current distribution plan. Mr. Buick said that in the Hybrid Plan, expenditures will see 28% going to the West, 29% going to the East and 43% going to Phoenix in the next 20 years. Sales tax collection revenue is expected to change and probably shift during the next 20 years with Westside growth making a surge.

Supervisor Stapley said the vote had been 13 to 9 "to vote the Hybrid Plan out (approve it) – the 9 dissenting votes included Phoenix and all the East Valley Mayors" (including Tempe but excluding Scottsdale). He continued by saying that they had all voted no for different reasons most agreed with the basic and fundamental reason Phoenix gave, which is that the plan was \$900 million over subscribed. "It was giving everybody everything they think they had to have to get a majority vote - and you have no way to solve that except to take projects away at the next meeting - and then you will no longer have the majority."

He explained that he had no idea how to solve this because there is no performance-based analysis that qualifies any of the projects. Mr. Stapley said the interim plan is not a regional plan and was disappointed that it came together just to get the majority vote. He referred again to the additional 27.5 miles of light rail and reiterated, "This was never discussed by the TPC in the entire ten months that we've been meeting until the last meeting, and even then there was no discussion, it just suddenly appeared on the plan and no one knew it had been proposed until we walked into that meeting."

He requested that MCDOT draw up a more responsible regional plan to present to the voters. Discussion ensued on different suggestions the County has made on routes and other issues at the TPC (Transportation Policy Committee) meetings and Supervisor Stapley said "they just ignore us (the County) at MAG." Supervisor Stapley is the County's voting representative at the MAG TPC meetings. The TPC is the body that will present the final plan to the legislature. After the legislature approves it the public will be asked to vote on it, and this is targeted for spring 2004.

Supervisor Wilcox asked the County to be more flexible on the question of expanding the light rail system. She said that the 13-9 approval vote was for a plan that included a large amount of light rail and that the County should be cognizant of the broad appeal the rail system has on the TPC and the public. (Phoenix and several East Valley cities are the main proponent of increasing the light rail portion of the transportation plan.) She reasoned that MCDOT's suggestions would be more acceptable and gain more TPC votes if the number of light rail miles was increased to reflect flexibility.

Chairman Brock responded by saying that any member of the Board who does not agree with the consensus vote taken by the Board is free to write an attachment letter expressing their different recommendations and forward it to MAG as a minority opinion. He said that this is often done in reports to the legislature and so is recognized and an accepted action to take if your opinion does not coincide with the majority.

Mr. Buick said that the reality is that light rail won't be "a yes or no question" because light rail transit is already underway (because of an earlier public affirmative vote) for the minimum operating system or starter line. Beyond that the question he put was "to what extent should that be extended out, and to what extent should the half-cent sales tax pay for additional capital and operating funds for light rail." He added that the Hybrid Plan has no operating funds set aside, but does have a fair amount of funds for extensions and a fairly extensive outreach beyond the starter lines.

Also discussed was the South Mountain extension, and the question of a parkway vs. a freeway circling around to connect the I-10 to the 101 (the I-10 reliever) on the west side, with remarks given that most town councils and/or residents prefer a parkway over a freeway. Supervisor Stapley said that while most towns may agree with that idea, and it was what had been recommended to MAG, at the meeting Glendale's mayor had said, "Absolutely not, we want a full-fledged freeway," and she won the day."

Mr. Buick said in reference to the I-10/west corridor that the data is not yet there to justify what is needed. He said, "You have Interstate 10 and the widening of that interstate; you have, at the last minute, light rail thrown down the middle of Interstate-10 and that's going to have some impact on the travel there; and then you have this reliever that starts as a parkway (and may continue as a freeway later) on which the given estimates seem very high (250,000 vehicles a day)." He said that the I-10 combination that has been put in the Hybrid Plan needs to have a second look to see if there is a smarter way to handle it than what has been proposed.

Supervisor Stapley said he would like information on how other regions across the country handle the problems of funding their regional systems through municipalities, the extent of participation by those towns and cities and what they contribute towards the construction, operation and maintenance of those regional transportation systems. He asked whether MAG's Hybrid Plan was an anomaly and "it is the only regional plan in the country where the cities aren't participating." He asked that MCDOT develop an alternative plan using much that is found in the Hybrid Plan but which follows more closely the regional perspective as directed by the legislature. He felt that this alternative plan should be presented to the public as well as MAG. He speculated as to whether the legislature might consider it for adoption, as opposed to the plan presented by the TPC that was "approved on a divisive vote." Supervisor Stapley suggested that ADOT be included in discussions to see if they would endorse the alternative plan at the TPC meeting stating that they are not happy with the proposed Hybrid Plan for the same reasons that we have.

Supervisor Wilson asked if all the legislators would vote to approve this plan since it only involves Maricopa County. Rip Wilson responded that the entire legislature would vote to authorize this Board to call for an election to extend the half-cent sales tax. He believes there will be "at least four serious pieces of transportation legislation dealing with this system-wide plan." He said, "This process is fracturing as opposed to coalescing. Your instincts to have Mr. Buick and his staff develop a serious modification response to the Hybrid Plan that's out there is both timely and well advised." He said that the legislative ad-hoc oversight committee's intent is to also draft and recommend legislation to the legislature regarding this matter. He also believes some competing proposals will be authored and supported by legislators from regions within Maricopa County. He said, "I think there's going to be a real free-for-all down there and I think your plan ought to be part of the mix."

Discussion ensued on how soon the alternative plan could be completed and how that date would interface with the dates scheduled for public meetings at which time the Supervisors would like to present the alternative ideas to the public.

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson to have MCDOT prepare an alternative transportation plan based on performance criteria.

Diane Barker, citizen, said she networks with other citizens who are concerned with Arizona's transportation future. She said, "You are government and I have a tendency to come to you and believe that you will take care of the citizen's needs because I feel that I have recourse with you." She continued, "As far as MAG and the defacto TPC that they have made, that would be putting our transportation investments in this community for the next 20 years in their hands and I have no recourse to them. They are not government." She indicated that for this reason she supported the County's modification of a plan that would be regional from which to form mobility because moving people and goods is crucial to our society and to our economy. She said that movement is what transportation is for and all of the special interests that make money off of selling the land, having a rail stop or having a freeway are less important than moving people. She stated, "The system needs to be regional and as much non-self-interest as possible."

Supervisor Stapley's motion carried by unanimous vote (5-0).

EXECUTIVE SESSION CALLED

Pursuant to A.R.S. 38-431.03, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to recess and reconvene in Executive Session to consider items listed on the August 11, 2003 Executive Agenda as follows.

LEGAL ADVICE, PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)

Compromise Cases

Barbara Caldwell, Outside Counsel

Sasha Allain, Joe Bass, William DeMoss, Brandon Gonzalez, Susan Harke, Alize Infante, Nicole Infante, Sonia Leyvas, Jacques Michalski, Nelson Ortiz, Ana Palofox-Gonzalez, Rebecca Priddy, John Williams, Maclovia Zepeda.

Write-Off Cases

Barbara Caldwell, Outside Counsel

Tristan Cupples, Jeffrey Chas. Ackley, Marc David Blondin, Andrew Raymond Chavez, Russell Jarvis, Kay Donald Jones, Joseph C. Matter, Thomas J. Orneals, Robert Knight, Martin M. Martinez, Sandra Minks, Earl Richard Perrin.

LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION -- A.R.S. §38-431.03(A)(3) and (A)(4)

Amendment of Resident Contracts for Academic Year 2003-2004.

Rick Romley, County Attorney
Paul Ahler, Chief Deputy, County Attorney's Office
Chris Keller, Division Chief, Division of County Counsel
Bill Sims, Outside Counsel, Moyes, Storey
Mark Hillard, CEO, Maricopa Integrated Health System

MEDPRO Contract Negotiations

Richard M. Romley, Maricopa County Attorney
Chris Keller, County Counsel Division Chief
Louis Gorman, Deputy County Attorney
Bill Sims, Outside Counsel, Moyes, Storey
Mark Hillard, MIHS CEO

Status of Negotiations of Possible Amendment to Agreement with International Genomics Consortium

Tom Manos, Chief Financial Officer
Bruce P. White, Deputy County Attorney

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**INFORMAL SESSION
August 11, 2003**

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Fulton Brock, Chairman of the Board

Fran McCarroll, Clerk of the Board